

BEFORE THE ARIZONA CORPORATIO

COMMISSIONERS

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MIKE GLEASON, Chairman WILLIAM A. MUNDELL JEFF HATCH-MILLER KRISTIN K. MAYES GARY PIERCE Arizona Corporation Commission DOCKETED

SEP - 3 2008

DOCKETED BY W

IN THE MATTER OF THE ARIZONA CORPORATION COMMISSION, ON ITS OWN MOTION, TO ESTABLISH AN ARRAY OF PUBLIC RAIL/HIGHWAY GRADE CROSSINGS THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. RR-00000E-08-0021

DECISION NO. 70481

ORDER

Open Meeting August 26 and 27, 2008 Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

- 1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the allocation of funds for the installation of automatic warning signals and devices at public railroad grade crossings and the determination of locations where the installation of automatic warning signals should occur on that date.
- 2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission), which has the exclusive power to determine and prescribe the manner and terms of installation of warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.
- 3. Although numerous hazard index formulas have been proposed over many years to assess the relative hazard of a grade crossing based upon some combination of its characteristics, no one such formula, or combination thereof, has universal acceptance. The development of the array and the determination of the warnings to be installed at crossings also involve the exercise of judgment.

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4. The array establishes crossings where the installation of automatic warning signals and devices should be considered in accordance with the above referenced legislation, depending upon the availability of monies, material, labor and other factors involved in such installation. The inclusion of a crossing on the array, however, does not mean that existing warning signs or signals, if any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing. Conversely, a public crossing not appearing on the array does not exclude it from being improved under this program if it becomes an increased hazard to safety prior to the issuance of the next annual array.

- 5. The array first became effective on July 1, 1977. It is in the best interest of public safety, considering the current state and federal appropriations which have been allocated for the acquisition and installation of automatic warning signals and devices at public grade crossings in Arizona, for the array to be supplemented as provided herein.
- 6. In order to promote the timely installation of warning signals and crossing upgrades, Staff, with representatives of ADOT and the Federal Highway Administration, have determined that an additional forty (9) crossings should be placed on the 2008 array for upgrading.
- 7. Staff has recommended that the array approved by the Commission in Decision No. 69727 dated July 30, 2007, be reaffirmed and that the crossings listed in Attachment 1 be added to the array.

CONCLUSIONS OF LAW

- 1. Some Public railway/highway grade crossings in Arizona are eligible to receive Federal funds for the installation of automatic warning signals and devices under the 23 U.S.C. § 130. These monies were appropriated in recognition of the public responsibility to improve safety at railway/highway crossings, and may be used to pay one hundred (100) percent of the total installation cost of each project.
- 2. Pursuant to the Commission's exclusive power over railway/highway crossings, the array shall establish the public grade crossings in Arizona at which changes in signalization may be made under A.R.S. Sections 40-337, et seq.

70481

Decision No.

ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 69727, as well as the crossings listed on Attachment 1, be and hereby is approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

Towell Eleo	alle Mules
CHAIRMAN	COMMISSIONER
Krayle Hatch Miller	23 Jan Sain
COMMISSIONER	COMMISSIONER COMMISSIONER
	IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 3rd day of September, 2008.

BRIAN C. MCNEIL EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT:

Decision No. 70481

1	SERVICE LIST FOR: DOCKET NO. RR-00000E-08-0021
2	Mr. Anim Ann. D.F.
3	Manager Public Projects
4	Union Pacific Railroad 2073 East Jade Drive
5	II -
6	Mr. John Syers
7	Railroad Engineering Coordinator
8	ADOT-Utilities & Railroad Section 205 South 17 th Ave., Mail Drop 618E
9	Phoenix, AZ 85007-3212
10	Mr Melvin Thomas
	Manager Public Projects
11	Burlington Northern Santa Fe Railway 740 East Carnegie
12	San Bernardino, CA 92408
13	Mr. Marc Pearsall
14	Senior Transportation Planner
15	City of Tempe 20 East 6 th Street
	Tempe, AZ 85281
16	
17	Mr. Chris Hamilton
18	Engineering Department City of Avondale
	11465 West Civic Center
19	Suite 120
20	Avondale, AZ 85323
21	Mr. Gerald Schmidt
22	Town Manager Town of Pima
23	110 West Center Street
- I	Box 426
24	Pima, AZ 85543
25	Mr. Mark Ahlstrom, P.E.
26	City of Mesa
- 11	20 East Main Street Box 1466
27	Mesa, AZ 85211-1466
28	

Mr. Nichols Swart Dept. of Transportation Maricopa County 2901 West Durango Phoenix, AZ 85009

Mr. Michael Negrete Project Manager City of Phoenix 1034 East Madison Street Phoenix, AZ. 85034-2292

Mr. C. Rex Hartmann Senior Street Division Coordinator City of Chandler Mail Stop 909 Box 4008 Chandler, AZ 85244-4008

Mr. Dan Cherry Assistant County Engineer Yavapai County 1100 Commerce Drive Prescott, AZ. 86305

2008 ACC ARRAY PROJECTS

AAR/DOT	RR	LOCATION	SCOPE OF	ESTIMATED
NUMBER	Mile Post		WORK	COST
		Protective Device	98	
741-650-B	920.50	Alma School Rd. (Mesa)	Cantilevers, Flashers	\$350,000.00
741-649-G	919.40	Dobson Rd. (Mesa)	Cantilevers, Flashers	\$350,000.00
741-565-L	915.83	Broadway Rd. (Tempe)	Cantilevers, Flashers	\$350,000.00
741-448-R	902.70	35th Ave. (Phoenix)	NB Cantilever, Flashers	\$185,000.00
741-800-G	893.51	107th Ave. (Phoenix)	SB Cantilever, Flashers	\$185,000.00
741-799-P	892.55	115th Ave. (Avondale)	SB Cantilever, Flashers, Concrete	\$185,000.00
025-327-U	AF 27.95	Verde Ranch Rd.	Flashers, Gates	\$225,000.00
742-266-H	1146.90	Tripp Canyon Rd.	Flashers, Gates, Timber	\$275,000.00
			TOTAL	\$2,105,000.00
741-671-U	929.08	Chandler Blvd. (Chandler)	Cantilevers, Flashers	\$350,000.00
		•		\$2,455,000.00